IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS DALLAS DIVISION

KEVIN REID ALTHOUSE,)	
ID #861608,)	
Petitioner,)	
VS.)	No. 3:18-CV-2207-C-BN
)	
LORIE DAVIS, Director Texas Department)	
Criminal Justice Correctional Institutional)	
Division,)	
Respondent.)	

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE

After reviewing all relevant matters of record in this case, including the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, in accordance with 28 U.S.C. § 636(b)(1), the undersigned Senior District Judge is of the opinion that the Findings and Conclusions of the Magistrate Judge are correct and they are accepted as the Findings and Conclusions of the Court.¹

For the reasons stated in the Findings, Conclusions, and Recommendation of the United States Magistrate Judge, the Petition for Writ of Habeas Corpus is **DISMISSED WITHOUT**PREJUDICE for lack of jurisdiction pursuant to Rule 4 of the Rules Governing Section 2254 Cases.

The Clerk of Court is directed to serve a copy of this Order on the Texas Attorney General.

Pursuant to Rule 22 of the Federal Rules of Appellate Procedure and 28 U.S.C. § 2253(c), this Court finds that a certificate of appealability should be denied. Petitioner has failed to show that reasonable jurists would find (1) this Court's "assessment of the constitutional claims debatable or

¹Petitioner failed to file a timely objection.

wrong," or (2) "it debatable whether the petition states a valid claim of the denial of a constitutional right" and "debatable whether [this Court] was correct in its procedural ruling." *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

SIGNED this 1/2 day of September, 2018.

SAM R. CUMMINGS

SENIOR UNITED STATES DISTRICT JUDGE